

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

RED BARN MOTORS, INC.,	*	
DONALD B. RICHARDSON, AND	*	CIVIL ACTION No.: 3:13-cv-00778-BAJ-RLB
BARBARA A. RICHARDSON	*	
	*	
VERSUS	*	
	*	
NEXTGEAR CAPITAL, INC.	*	
AS SUCCESSOR-IN-INTEREST TO	*	
DEALER SERVICES CORPORATION,	*	
LOUISIANA'S FIRST CHOICE	*	
AUTO AUCTION, L.L.C.	*	

NEXTGEAR CAPITAL, INC.'S OPPOSITION MEMORANDUM TO PLAINTIFFS'
MOTION FOR ORAL HEARING

NextGear Capital, Inc., f/k/a Dealer Services Corporation, successor by merger with Manheim Automotive Financial Services, Inc., incorrectly named as defendant NextGear Capital Inc., as successor-in-interest to Dealer Services Corporation (hereinafter "NextGear"), appearing herein through undersigned counsel, respectfully submits the following Opposition Memorandum to Plaintiffs' Motion for Oral Hearing [R. Doc. 23].

LAW AND ARGUMENT

Plaintiffs have filed a Motion for Oral Hearing (the "Motion") on NextGear's Motion to Dismiss and Motion to Transfer [R. Doc. 10 and 11 respectively] and on Louisiana First Choice Auto Auction, L.L.C.'s Motion to Dismiss [R. Doc. 12] pursuant to L.R. 78.1.

While the Court is vested with sole discretion to grant or deny the Motion, NextGear would respectfully suggest to this Honorable Court that an oral hearing is neither required nor necessary in this case.

The parties have spent considerable time, effort and expense, detailing the legal issues and support for their respective positions. Further, the Court is well versed in dealing with the “varied and complex”¹ legal issues presented. The Court has been presented with sufficient and adequate information necessary for its consideration and determination of the issues presented here. The additional cost and expense to be incurred in connection with preparation and submission for oral argument is unnecessary.

CONCLUSION

NextGear, respectfully requests that the Court deny Plaintiffs’ Motion for Oral Hearing on NextGear’s Motion to Transfer and Motion to Dismiss and Louisiana First Choice Auto Auction, L.L.C.’s Motion to Dismiss, pursuant to the Court’s authority granted by L.R. 78.1.

Respectfully submitted,

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s/ Robin B. Cheatham

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¹ See Memorandum in Support of Motion for Oral Hearing at p. 1 [R.Doc. No. 23-1].

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 10TH day of April 2014 served a copy of the foregoing Memorandum in Opposition to Plaintiffs' Motion for Oral Hearing on all counsel of record via electronic service by the court's CM\ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

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